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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,584	04/16/2001	Eugeniusz Rylewski	154.1049	3718

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WASHINGTON, DC 20005

EXAMINER	
CIRIC, LJILJANA V	
ART UNIT	**PAPER NUMBER**
3753	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/786,584	RYLEWSKI, EUGENIUSZ	
	Examiner	Art Unit	
	Ljiljana (Lil) V. Ciric	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-17 and 23-28* is/are pending in the application.

4a) Of the above claim(s) *none* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-17 and 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is in reply to applicant's reply filed on May 27, 2004.

2. Claims 12 through 17 and 23 through 28 remain in the application, of which claims 12 through 17 are as amended, and of which claims 24 through 28 are new.

3. The amendment filed on May 27, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Each of amended base claim 12 and new claim 28 recites that "heat exchange occurs when the two extraction fans are running, *and heat exchange is prohibited when one of the two extraction fans is running and the other of the two extraction fans is stopped*". There is nothing in the originally filed disclosure to support the blanket recitation of heat exchange being *prohibited* when one of the two extraction fans is stopped; these limitations thus constitute new matter as explained in greater detail below.

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

4. Applicant's arguments filed on May 27, 2004 regarding the previously cited prior art rejections of the claims have been fully considered but they are generally not persuasive.

Applicant's arguments with respect to the *Harrison* reference been considered but are moot in view of the new grounds of rejection necessitated by amendment and presented herein.

Otherwise, once again as a preface to the following traversal of applicant's arguments, the examiner hereby notes that the claims in a pending application should be given their *broadest* reasonable interpretation. See *In re Pearson*, 181 USPQ 641 (CCPA 1974).

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Otherwise, once again as a preface to the following traversal of applicant's arguments, the examiner hereby notes that the claims in a pending application should be given their *broadest* reasonable interpretation. See *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Furthermore, the rationale or basis for applicant's arguments appears self-contradictory at least at times, and is thus unpersuasive. For example, applicant argues that "In such a case, the present invention allows a stream of fresh air into a building *to cool* the interior thereof, *without exchanging heat*, with the stale air (which is warmer) inside the building", but it is not at all clear how cooling can be/is effected without exchanging heat, since, by definition, cooling necessarily involves heat exchange.

In response to applicant's argument that the *Oberschmid* reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., valves or the use of valves not being required to accomplish operation of the heat exchange apparatus; strings not being required to create air channels) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

No substantive arguments have been presented traversing the rejections of the claims under 35 U.S.C. 103(a) as cited in the previous Office action.

Applicant's arguments thus fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments thus also do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Specification

5. The amendment filed on May 27, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall

introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Each of amended base claim 12 and new claim 28 recites that "heat exchange occurs when the two extraction fans are running, *and heat exchange is prohibited when one of the two extraction fans is running and the other of the two extraction fans is stopped*". There is nothing in the originally filed disclosure to support the blanket recitation of heat exchange being *prohibited* when one of the two extraction fans is stopped; these limitations thus constitute new matter as explained in greater detail below.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 U.S.C. § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 12 through 17 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Amended base claim 12 and new claim 28 each recites that "heat exchange occurs when the two extraction fans are running, *and heat exchange is prohibited when one of the two extraction fans is running and the other of the two extraction fans is stopped*". There is nothing in the originally filed disclosure to support the recitation of heat exchange being *prohibited* when one of the two extraction fans is stopped; these limitations thus constitute new matter. Even though the originally filed disclosure does state that "if only one of the two [fans] is running there is an exchange of air without recuperation of heat [from the warmer air stream by the cooler air stream]", nothing in the originally filed disclosure, taken as a whole, supports the

broad-brush recitation of all heat exchange being *prohibited* or otherwise rendered impossible when one of the two extraction fans is stopped.

8. Claims 12 through 17 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Amended base claim 12 and new claim 28 each recites that "heat exchange occurs when the two extraction fans are running, *and heat exchange is prohibited when one of the two extraction fans is running and the other of the two extraction fans is stopped*". There is nothing in the originally filed disclosure to support the recitation of heat exchange being *prohibited* when one of the two extraction fans is stopped. Even though the originally filed disclosure does state that "if only one of the two [fans] is running there is an exchange of air without recuperation of heat [from the warmer air stream by the cooler air stream]", the originally filed disclosure, taken as a whole, does not support the broad-brush recitation of all heat exchange being *prohibited* or otherwise rendered impossible when one of the two extraction fans is stopped. Furthermore, accepted heat transfer principles dictate that convective heat transfer will *inherently* occur in response to the flow of a heat transfer fluid past a heat transfer surface *at least whenever there is any temperature difference between the fluid and the surface*. Thus, absent any description or disclosure as to how the inventive heat exchange unit is to be specifically configured and operated so as to prohibit heat exchange when one of the two extraction fans is running and the other of the two extraction fans is stopped, one of ordinary skill in the art would not know how to make or use the inventive heat exchange unit so as to effect the prohibition of heat exchange under the specific operating conditions recited.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 12 through 17 and 23 through 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of amended base claim 12 and new claim 28 recites that "heat exchange occurs when the two extraction fans are running, *and heat exchange is prohibited when one of the two extraction fans is running and the other of the two extraction fans is stopped*". Accepted heat transfer principles dictate that convective heat transfer will *inherently* occur in response to the flow of a heat transfer fluid past a heat transfer surface *at least whenever there is any temperature difference between the fluid and the surface.* The seeming contradiction between art-accepted scientific principles and the limitations appearing in the claims of the instant application, coupled with the lack of a clear disclosure as to how the inventive heat exchange unit is to be specifically configured and operated so as to *prohibit* heat exchange when one of the two extraction fans is running and the other of the two extraction fans is stopped, renders indefinite the scope of protection sought by claims 12 through 17 and claim 28.

New claims 23 through 28 are written in generally a run-on fashion. For example, with regard to new base claim 23 as written, it is not clear whether the limitation "having a cross section of undulating shape" refers back to the two fluid passages jointly having a cross section of undulating shape, to the two fluid passages separately each having a cross section of undulating shape, or to the walls having a cross section of undulating shape, thus rendering indefinite the metes and bounds of protection sought by claim 23 and all claims depending therefrom.

The above is an indicative, but not necessarily an exhaustive, list of 35 U.S.C. 112, second paragraph, problems. Applicant is therefore advised to carefully review all of the claims for additional problems. Correction is required of all of the 35 U.S.C. 112, second paragraph problems, whether or not these were particularly pointed out above.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 12 through 17 and 28 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. For example, each of amended base claim 12 and new claim 28 recites that "heat exchange occurs when the two extraction fans are running, *and heat exchange is prohibited when one of the two extraction fans is running and the other of the two extraction fans is stopped*". However, even one running extraction fan generates a flow of air through one of the fluid passages, and at least some convective heat transfer is inherent and unavoidable if any of the surfaces past which the air flow generated by the one extraction fan is at a temperature that is different than the generated air flow. Thus, there can be no blanket prohibition of heat exchange under the recited circumstances and the invention is inoperative as claimed.

Claim Rejections - 35 U.S.C. § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. As best can be understood in view of the indefiniteness of the claims, 12 through 17 and 23 through 28 are rejected under 35 U.S.C. 102(b) as being anticipated by *Oberschmid (DE 40 07 963 A1—previously of record)*.

Oberschmid (DE 40 07 963 A1), especially Figure 3, discloses a heat exchange unit essentially as claimed, including: a box provided with walls 1 as shown in Figure 3 [which is associated with Figures 2a and 2b, as well as claim 13 of the reference] defining two fluid

passages 3 and 4 having a cross section of undulating shape along the length of the heat exchanger box as shown in Figures 2a and 3, the walls bounding the fluid passages including a removable thin flexible foil 20 which is air-tight and impermeable to water vapor except at condensate removal perforations or openings 21, at which openings 21 the foil 20 is permeable to both water vapor and air; and, an air circulator including at least one entry fan 10 and at least one extraction fan 11. A fan controller is depicted in Figure 8. An operating air circulator or fan or pump or blower inherently produces air streams *under pressure*. Also, thin flexible foil is inherently capable of being deformed as a function of the air pressure variations due to forced air or other fluid flow therethrough. Turning an apparatus on its end, and thereby changing the relative orientation of the component elements of the apparatus--such as by rotating the apparatus from a horizontal orientation to a vertical orientation, does not change the structure of the apparatus and is thus immaterial to the patentability of the same.

Oberschmid however does not necessarily disclose either the location of the fans as being exactly as recited in amended base claim 12 of the instant application, for example, or there being two extraction fans 11 instead of one. Nevertheless, shifting the location of parts, absent unexpected results, as well as duplicating parts for a multiplied effect, are matters of design choice and are thus not inventive. See *St. Regis Paper Co. V. Bemis Co.*, Inc., 193 USPQ 8, 11 (7th Cir. 1977) and *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Thus, it would have been obvious to one skilled in the art at the time of invention to modify the heat exchange unit of *Oberschmid* by shifting the locations of the fans in order to effect particular desired flow patterns and/or conform with particular space requirements for a given application. It would likewise have been obvious to one skilled in the art at the time of invention to modify the heat exchange unit of *Oberschmid* by duplicating the number of extraction fans within the unit in order to, for example, either double the amount of airflow and/or heat exchange effected thereby or to reduce the size of any one fan.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925. While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (703) 308-1272. The NEW central official fax phone number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc

September 19, 2004

LJILJANA CIRIC
PRIMARY EXAMINER

NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT REFERENCES

Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site (www.USPTO.gov) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: http://www.uspto.gov/web/forms/sb0125.pdf. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: http://www.uspto.gov/ebc/registration_pair.html.

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at eReference@uspto.gov or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at http://www.uspto.gov/web/patents/ifw/index.html. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

Date. 12/1/03

Nicholas P. Godici

Nicholas P. Godici
Commissioner for Patents

USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES

In support of its 21st Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) **provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions** via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) **cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions** (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

Schedule

June 2004	TCs 1600, 1700, 2800 and 2900
July 2004	TCs 3600 and 3700
August 2004	TCs 2100 and 2600

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004, contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at ebc@uspto.gov.

Other Options

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (http://www.uspto.gov/patft/index.html). The USPTO's Office of Public Records also supplies copies of patents for a fee (http://ebiz1.uspto.gov/oems25p/index.html). Commercial sources also provide U.S. patents and patent application publications.

For complete instructions see the Official Gazette Notice, USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES, on the USPTO web site.

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